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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/379,651	08/24/1999	MAMORU KUZUYA	5000-4679	1555

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EXAMINER

JOHNSON, VICKY A

ART UNIT

PAPER NUMBER

3682

DATE MAILED: 05/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/379,651

Applicant(s)

KUZUYA ET AL.

Examiner

Vicky A. Johnson

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Funke (DE 2906708) in view of Asaoka (JP 05169906).

Funke discloses an axle housing assembly comprising an axle housing (10) having a differential housing (8), a cover (30) attached to the differential housing (see Fig 2) with an integrally formed housing body (see Fig 2) and a pair of axle tubes (10) within the housing body (see Fig 2), support means (5,6) for supporting the axle housing to a base frame (26), a convex repulsive force receiving member (unnumbered, bolt hole of 17) integrally formed on the body for coupling the body of the housing to the support means (see Fig 2), wherein the differential housing includes a cover (30), wherein the support means includes a pair of axle brackets (5,6), a repulsive force receiving bolt (17), the axle brackets including a thick portion (unnumbered, left-side of bolt hole of 17).

Funke does not disclose the convex repulsive force-receiving member wherein a through hole is formed for receiving a fastener.

Asaoka discloses a convex repulsive force receiving member (3) wherein a through hole is formed for receiving a bolt and a nut (see Fig 1) engaging with the bolt,

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the nut located in an upper portion of the differential housing (since no frame of reference has been established, any direction can be considered up).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Funke to include a through hole for receiving a fastener as taught by Asaoka in order to provide more a secure fastener means.

3. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Funke (DE 2906708) in view of Pegg.

Funke discloses an axle housing as described above, but does not disclose a recess surrounding the through hole for recessing the head of the bolt.

Pegg discloses a recess surrounding the through hole for recessing the head of a bolt (13).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Funke by including a recess surrounding a though hole for recessing the head of the bolt in view of Pegg for the purpose of preventing anything from catching on the bolt head.

### ***Response to Arguments***

Some further comments regarding the Applicant's remarks are deemed appropriate.

The Applicant has pointed out that the housing member 11 is not the differential housing and it is agreed. However, the Funke reference still meets the limitations of the claims. The Funke reference shows an axle housing (10) having an integrally formed

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differential housing body (8) with a pair of axle tubes (12,13) within the housing body, and having a cover 30.

The Applicant also argues that the Funke reference fails to disclose the repulsive force-receiving member. It is agreed; the Asaoka reference discloses the repulsive force-receiving member. One having ordinary skill in the art would modify the housing of Funke with the repulsive force-receiving member of Asaoka in order to provide a more secure attachment.

The Applicant's remarks have been accorded due consideration, however, they are not deemed fully persuasive.

#### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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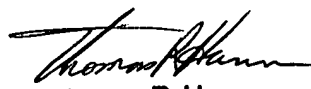
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vicky A. Johnson whose telephone number is (703) 305-3013. The examiner can normally be reached on Monday-Thursday (7:00a-5:00p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Bucci can be reached on (703) 308-3668. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

vaj  
May 18, 2003

*vaj 5/18/03*

  
Thomas R. Hannon  
Primary Examiner